



SPECIAL LAND USE PERMIT APPLICATION ANALYSIS

ZONING CASE #: Z2011-12 **LEGISTAR #:** 20110697

LANDOWNERS: R & R Developers
P. O. Box 441286
Kennesaw, GA 30160

APPLICANT: Stacy Tillman
Crown Towing
25 Atlanta Street
Marietta, GA 30060

PROPERTY ADDRESS: 503 Commerce Park Drive, Suite H

PARCEL DESCRIPTION: Land Lot 04310, District 17, Parcel 0170

AREA: 5.32 acs. **COUNCIL WARD:** 1

EXISTING ZONING: LI (Light Industrial)

FUTURE LAND USE MAP

RECOMMENDATION: IW (Industrial-Warehousing)

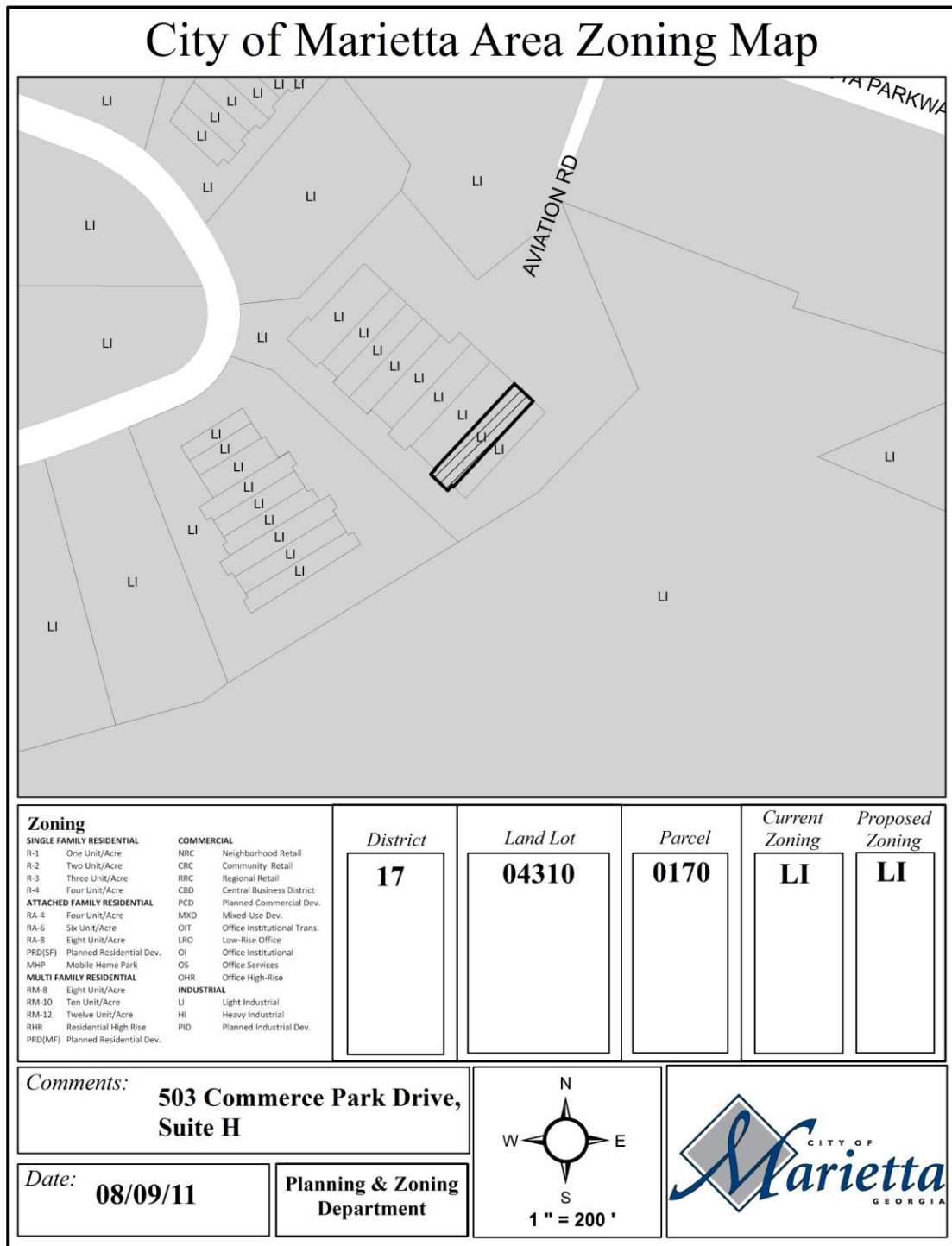
REASON FOR REQUEST: Requesting a Special Land Use Permit for an automobile storage yard service.

PLANNING COMMISSION HEARING: Tuesday, October 4, 2011 – 6:00 p.m.*

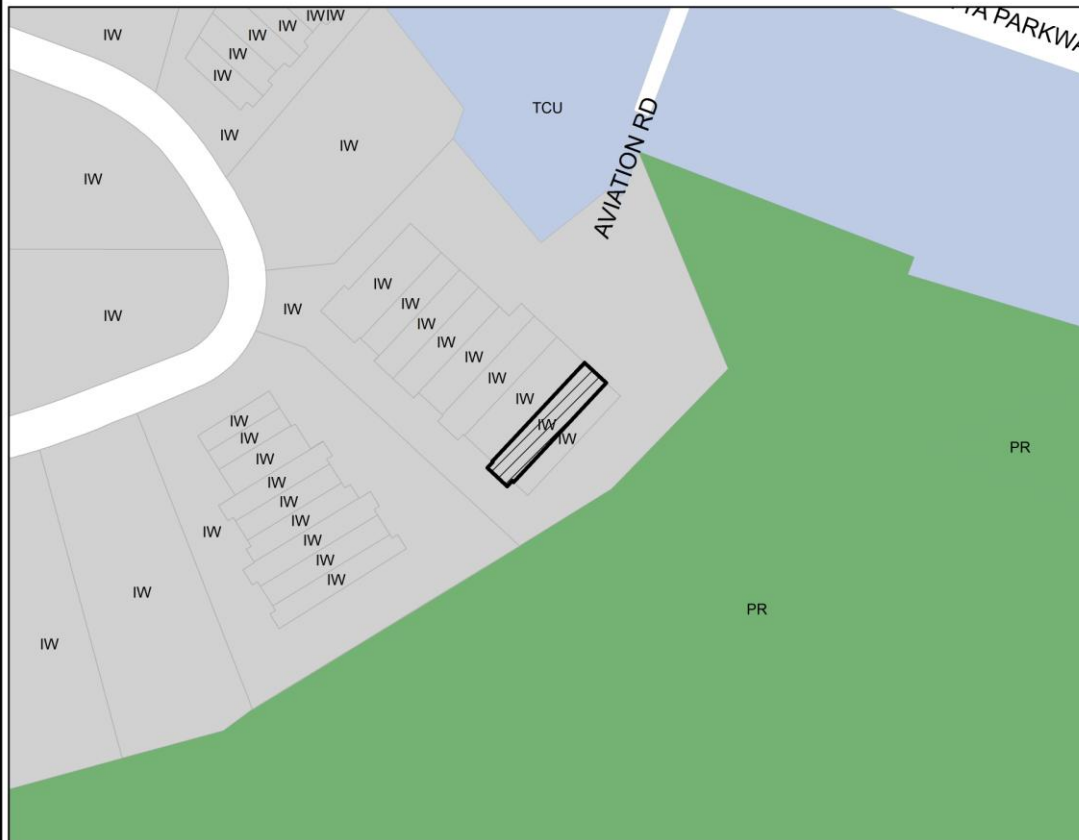
CITY COUNCIL HEARING: Wednesday, October 12, 2011 – 7:00 p.m.

***This item was tabled from the September 6, 2011 Planning Commission Meeting at the applicant's request.**

MAP



City of Marietta Area FLU Map

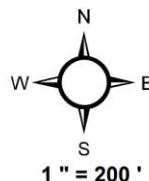


Future Land Use		District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR	Low Density Residential	17	04310	0170	IW	N/A
MDR	Medium Density Residential					
HDR	High Density Residential					
NAC	Neighborhood Activity					
CAC	Community Activity Center					
RAC	Regional Activity Center					
CBD	Central Business District					
IM	Industrial - Manufacturing					
IW	Industrial - Warehousing					
OSC	Open Space/Conservation					
PR	Parks & Recreation					
CSI	Community Service & Institutional					
TCU	Transportation, Communication & Utilities					
MXD	Mixed Use					

Comments: **503 Commerce Park Drive,
Suite H**

Date: **08/09/11**

Planning & Zoning
Department



PICTURES OF PROPERTY





STAFF ANALYSIS

Location Compatibility

The applicant, Crown Towing, who is also the petitioner and tenant of the owner, R&R Developers, is requesting a special land use permit to operate a towing company that will tow illegally parked vehicles from various locations and store them on the subject property, known as 503 Commerce Park Drive, Suite H. The subject property (Suite H) is approximately 0.211 acres, and the common area of the subject property is 3.453 acres.

The subject property is currently zoned LI (Light Industrial) and is located within an industrial park zoned LI. The properties to the east and west are within the LI-zoned industrial park; properties to the north (Cobb Community Transit – CCT) and south (City owned Aviation Park) are also zoned LI.

Use Potential and Impacts

The applicant/tenant is requesting to utilize subject property - Suite H - as an office, and proposes to tow illegally parked vehicles to the rear of the common area of the subject property. According to the submitted site plan, there is no indication of a designated parking area for the towed vehicles in the rear. However, the applicant indicated that they will utilize the rear 'fenced-in' area – approximately 50' X 60" - for parking the towed vehicles, and that the towed cars will be removed within the same day or the next day. The applicants/tenant's business hours of operation will be Monday thru Friday from 9 am to 6 pm.

The subject property is located within an industrial office park, which is surrounded by other industrial buildings and businesses. In particular, the building that houses Suite H also shares the building and lot with other industrial type businesses such as wholesalers, auto tires wholesalers and retailers, printing warehouse and storage, and an auto dealer. During staff's field visit (pictures) numerous cars were parked in the rear however, it was unclear whether the cars were associated with the auto dealer.

Although prior to the September Planning Commission meeting, Staff had stated that the proposed use may have a negative impact on the property and neighboring businesses, as well as Rottenwood Creek; further study indicates that should not be the case. Since the proposed towing operation will primarily be towing illegally parked cars, it will not have the same impact as an impound lot where wrecked vehicles would be stored. As such, this use should be no more intensive than the other businesses located on the property that provides parking for their employees and customers.

The city's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Industrial Warehousing (IW). The LI zoning category is compatible with the FLU designation.

Environmental Impacts

The Rottenwood Creek runs along the rear property line of the subject property. **Revised** comments from the Public Works Department are listed below:

- Although there are some concerns about the potential pollution and proximity to the stream, stream buffers, and FEMA Flood Plain, the proposed use does not increase the impervious surface or increase run-off above current conditions. As previously stated, vehicles cannot be parked on gravel or vegetated areas – only on the concrete/asphalt – and areas where the concrete is damaged should be repaired. Should construction costs exceed 50% of the replacement value of the building, the site would no longer be nonconforming, and all new regulations would have to be met.
- Planning for exterior storage of vehicles must ensure no drippage / leakage which will further impair the already “Impaired Stream” on the most recent version of Georgia’s 305(b)/303(d) List. Water Quality concerns is paramount in this site consideration. Rottenwood Creek is monitored at least twice annually by Cobb County Water System – Stormwater Division for chemical and biological anomalies. Operator must comply with all Federal and State requirements related to the Federal Clean Water Act and GA NPDES General Permit.

Economic Functionality

The property at 503 Commerce Park Drive contains multiple warehousing and wholesale business types. Staff observed that the majority of the building is occupied and has only a few vacant suites. As currently zoned, the subject property has a reasonable economic use as a light industrial business facility.

Infrastructure

The business type that is proposed, towing and storage of vehicles, may have some impacts on the wear and tear of the roads, but only marginally more than that of regular traffic. Negative impacts to Rottenwood Creek will not be increased over the current situation.

After the applicant was made aware of several deteriorating sections of the parking lot, they have agreed to work with the Department of Public Works to identify any areas of the car storage area that should be repaired or repaved.

History of Property

There are no records of variances, special land use permits, rezoning, or administrative variances that pertain to the subject property.

Other Issues

The following are the criteria for determining a site's eligibility for a Special Land Use Permit, as specified in Section 712.01 (E):

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.



ANALYSIS & CONCLUSION

The applicant and tenant, Crown Towing is requesting a special land use permit to operate a towing company at 503 Commerce Park Drive. Crown Towing will tow vehicles that had been illegally parked at various locations around the city, and impound the vehicles on the subject property. The property is zoned LI (Light Industrial) and is located within the Commerce Park Industrial Park. The subject property is surrounded by LI-zoned properties and various businesses appropriate to that zoning classification. To the rear of the subject property is the Rottenwood Creek and Aviation Park; and to the north is Cobb Community Transit (CCT). The area of the subject property - Suite H - is 0.211 acres, and the common area of the subject property is 3.453 acres. The suite is where the tenant will have their business office, and in the rear the tenant proposes to park towed vehicles within a 50' X 60' fenced-in area.

Although there are some concerns about the potential pollution and proximity to the stream, stream buffers, and FEMA Flood Plain, the proposed use does not increase the impervious surface or increase run-off above current conditions. Vehicles must be parked on the concrete/asphalt, and areas where the concrete is damaged should be repaired, which the applicant has agreed to do. Should construction costs exceed 50% of the replacement value of the building, the site would no longer be nonconforming, and all new regulations would have to be met.

The city's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Industrial Warehousing (IW). The LI zoning category is compatible with the FLU designation.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	10-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Yes
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County Water System
Treatment Plant Capacity?	Cobb County Water System
Future Plant Availability?	Cobb County Water System

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	Yes – along south boundary
What percentage of the property is in a floodplain?	10% +/-
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	YES – probable within stream area / buffer
If so, is the use compatible with the possible presence of wetlands?	NO
Do stream bank buffers exist on the parcel?	YES – along south boundary
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Commerce Park Drive Fairground Street
What is the classification of the road?	Commerce Park Drive: Local Fairground Street: Arterial
What is the traffic count for the road?	Commerce Park Drive: No Data Available Fairground Street: 19,630 AADT ^{2-way}
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	YES
If yes, what are they?	Current improvements to Fairground Street, and Trail construction

- Site Plans may be required for any future construction. If required, Site Plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and the Georgia Stormwater Management Manual. Additional comments will be made at time of a site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- Building Renovations will require Building Permits.
- We have concerns about the potential pollution and proximity to the stream, stream buffers, and FEMA Flood Plain. Vehicles cannot be parked on gravel or vegetated areas – only on the concrete / asphalt. It needs to be shown how stormwater runoff from the impervious areas is controlled to provide water quality benefits and not allow stream pollution. At the least, an Oil-grit / water separator should be installed to flow into the sanitary sewer after treatment. Marietta Water will not allow rainwater to be added to the sanitary sewer. Thus there must be a separation of rainfall & runoff from pollutants.
- Planning for exterior storage of vehicles must ensure no drippage / leakage which will further impair the already “Impaired Stream” on the most recent version of Georgia’s 305(b)/303(d) List. Water Quality concerns are paramount in this site consideration. Rottenwood Creek is monitored at least twice annually by Cobb County Water System – Stormwater Division for chemical and biological anomalies. Operator must comply with all Federal and State requirements related to the Federal Clean Water Act and GA NPDES General Permit.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development? Station 52

Distance of the nearest station? 1.4 miles

Most likely station for 1st response? Station 52

Service burdens at the nearest city fire station (under, at, or above capacity)? No service burdens.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: